



IN THE PATENT AND TM OFFICE

Appn. Number: 09/396,128

Filing Date: 09/14/99

Applicant: Thompson, Thomas C.

Appn. Title: Hurricane-Earthquake Frieze Plate

Examiner: Tran, Hanh V.

RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE-
EXAMINING GROUP #3635

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Mailed November 9, 2001

AMENDMENT AFTER FINAL REJECTION

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

In response to the Office Action mailed 08/14/01, I have included in this response the following:

1. Corrections to specification without adding new material.
2. Arguments against 35 USC § 112.
3. Arguments against 35 USC § 102.
4. Arguments against 35 USC § 103.
5. Clean copy of amended claims.
6. Certificate of Mailing.

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Very respectfully,

Thomas C. Thompson
Thomas C. Thompson

Do Not Enter
HVT 1/31/02

Response:

1. **This is the Final Office Action...** The applicant acknowledges that this office action is final.
2. **The disclosure is objected to because of...figures 5 and 6.** The applicant respectfully requests that the examiner change the Brief Description of the Drawings. For FIG. 5, change "is a perspective view of a two-piece frieze plate" to "is part of a flat pattern layout of a frieze plate". For FIG. 6, change "is a perspective view of a runner" to "is a perspective view of a two-piece frieze plate."
3. **The proposed drawing correction...due to the inconsistency between the brief description of the drawings and what the drawing figures show.** The applicant respectfully requests that the examiner change the Brief Description of Drawings. For FIG. 6A, change "is a side view of a runner" to is a cross section of a runner". For FIG. 6', add "is a front view of a slot".
4. **The following is a quotation of...35 USC §112.** The applicant understands a 112 rejection.
5. **Claim 7 is rejected under 35 USC § 112...** For claim 7, the applicant respectfully requests that the examiner change "rafter webs" to "rafter tabs", which are discussed in claim 1.
6. **The following is a quotation of ...35 USC § 102...** The applicant understands the basics of a 102 rejection.
7. **Claims 1-6, and 8 are rejected under 35 USC § 102(b) as being anticipated by USP 5,370,577 to JONETT et al.**
(See Below)
8. **Claims 1-2, 4-8 are rejected under 35 USC § 102(b) as being anticipated by USP 5,236,273 to GILB.**
 - A. Claim 7 is not rejected by JONETT, and claim 3 is not rejected by GILB. Therefore, by moving the elements of claims 3 and 7 into independent claim 1, the independent claim should

become allowable subject matter. All the other claims that are dependent on the amended claim 1 should now also be in condition for allowance.

- B. Claim 7 states how the sheathing tabs, rafter tabs and the plate tabs form a strong I-beam shape against either side of a rafter. The applicant respectfully requests that the examiner amend claim 1 by inserting this information from claim 7 as follows:
- 1h. said sheathing tabs, said rafter tabs, and said plate tabs having attaching means, and forming a strong I-beam shape against either side of a rafter.
- C. JONETT's FIG. 4 shows how his invention forms a Z-shape on either side of a rafter, and how two of them form an upside-down U-shape over the rafter, by stacking double truss cord webs 46 and 46' on top of the rafter. JONETT's FIG. 5 shows that the truss cord webs 46 must be bent at an angle (∞) to fit the slope of the roof. Of course, no builder would stack double metal flanges on top of the rafter where sheathing has to be attached. And no builder would field-bend the flanges to fit different slopes of roof pitch (∞). JONETT has a Z-shape with odd ∞ -shape on the top. Therefore, amended claim 1h. reads over JONETT, because he has no I-beam shape against the rafter.
- D. The applicant's claim 3 states how the rectangular face has a predetermined area to cover the space between the rafters, has ventilation ribs, and has a lower side that covers the outside wall sheathing and underlying top plate. The applicant respectfully requests that the examiner amend claim 1(g) by inserting the information from claim 3 as follows:
- 1g. said rectangular face having a predetermined area as a means for covering outside wall sheathing and underlying top plate with the lower part, and the middle and upper part of said face having a plurality of ventilation ribs and covering the space between rafters.
- E. GILB's connector can tie angled rafters to a top plate as shown in his FIGS. 7 and 8, but it does not connect to adjacent rafters or cover the space between rafters. GILB's FIG. 6 shows

that his connector does not fill in the space between rafters and has no ventilation ribs, therefore the applicant's amended claim 1g. reads over GILB.

- F. By incorporating the information from claims 3 and 7 into claim 1, claims 3 and 7 can be canceled. The applicant respectfully requests that the examiner cancel claims 3 and 7 without prejudice.

9 & 10. **The following is a quotation of 35 USC § 103(a)...** The applicant understands the basics of a 103 rejection.

11. **Claims 15-19 are rejected under 35 USC § 103(a) as being unpatentable over JONETT et al.**

- A. Since Jonett's apparatus was not designed or patented for a retrofit connection, there would be no need to design it to fit onto an existing house. Of course it can't fit onto an existing house because it has the Z-shaped truss cord webs **46** and **46'** on top of the rafter. The roof would have to be ripped up in order for the truss cord webs to be installed. Therefore it would not be obvious to make JONETT's apparatus adjustable.
- B. Since each of JONETT's apparatus is custom-made or hand-formed at the job site ("An operator then uses a brake and/or clamps to form the appropriate bends in the stamped piece." Column 5, Lines 17-18), adjustability would not be obvious. Adjustability could only be obvious for an apparatus that is made at a factory to be retrofit onto existing houses, like the applicant's two-piece frieze board.
- C. Accordingly, the applicant submits that claims 1-8, and claims 15-19 are now in full condition for allowance, which action applicant respectfully solicits. If the examiner agrees but does not feel that the present claims are technically adequate, applicant respectfully requests that the examiner write acceptable claims pursuant to MPEP 707.07(j).

12. The applicant has included a clean copy of the claims with claim 1 amended, claims 3 and 7 deleted, and other claims renumbered.

13. Applicant's amendment necessitated the new grounds of rejection... The applicant respects and appreciates the work that the examiner has put in this pro se application.

14. Amended claim 1:

1. An apparatus for securing structural members of a building together comprising:

- a. a unitary body having a rectangular face, approximately right angled bends, and tabs;
- b. said rectangular face having said approximately right angled bends on the top and side;
- c. said top approximately right angled bends forming sheathing tabs;
- d. said side approximately right angled bends forming rafter tabs;
- e. said rafter tabs having approximately right angled bends on the bottom;
- f. said approximately right angled bends, on said bottom of said rafter tabs, forming plate tabs;
- g. said rectangular face having a predetermined area as a means for covering outside wall sheathing and underlying top plate with the lower part, and the middle and upper part of said face having a plurality of ventilation ribs and covering the space between rafters;
- h. said sheathing tabs, said rafter tabs, and said plate tabs having attaching means, and forming a strong I-beam shape against either side of a rafter.

15. Certificate of mailing:

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on NOV 9, 2001
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Printed name of person signing this certificate:

THOMAS C. THOMPSON

Signature: Thomas C. Thompson